



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,053	09/28/2000	James Oliver Dolly	17044DIV1 (AP)	2480

7590 06/29/2006

Carlos A Fisher
Allergan Ing
T2-7H
2525 Dupont Drive
Irvine, CA 92612

EXAMINER

ZEMAN, ROBERT A

ART UNIT	PAPER NUMBER
----------	--------------

1645

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Newly submitted claims 31-32, 34 and 37-49 are directed to an invention(s) that is independent or distinct from the invention originally claimed for the following reasons: the previously examined claims of the instant application were drawn compositions comprising a clostridial (intact) neurotoxin coupled to a drug. The proposed new claims are drawn to compositions comprising a clostridial neurotoxin light chain and a clostridial heavy chain wherein a drug or other bioactive molecule is joined to said light chain. These claims read on compositions comprising chimeric molecules as well as unjoined heavy and light chains.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-32 would be withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the instant amendment, if entered, would leave no claims drawn to the elected invention it is considered non-responsive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Zeman whose telephone number is (571) 272-0866. The examiner can normally be reached on Monday- Thursday, 7am -5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

09/676,053
Application/Control Number: ~~10/481,248~~
Art Unit: 1645

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT ZEMAN
PATENT EXAMINER

June 15, 2006